



Natural Capital







Introduction

Our Natural Capital Sector Team is at the forefront of advising clients and professionals on all elements of Natural Capital.

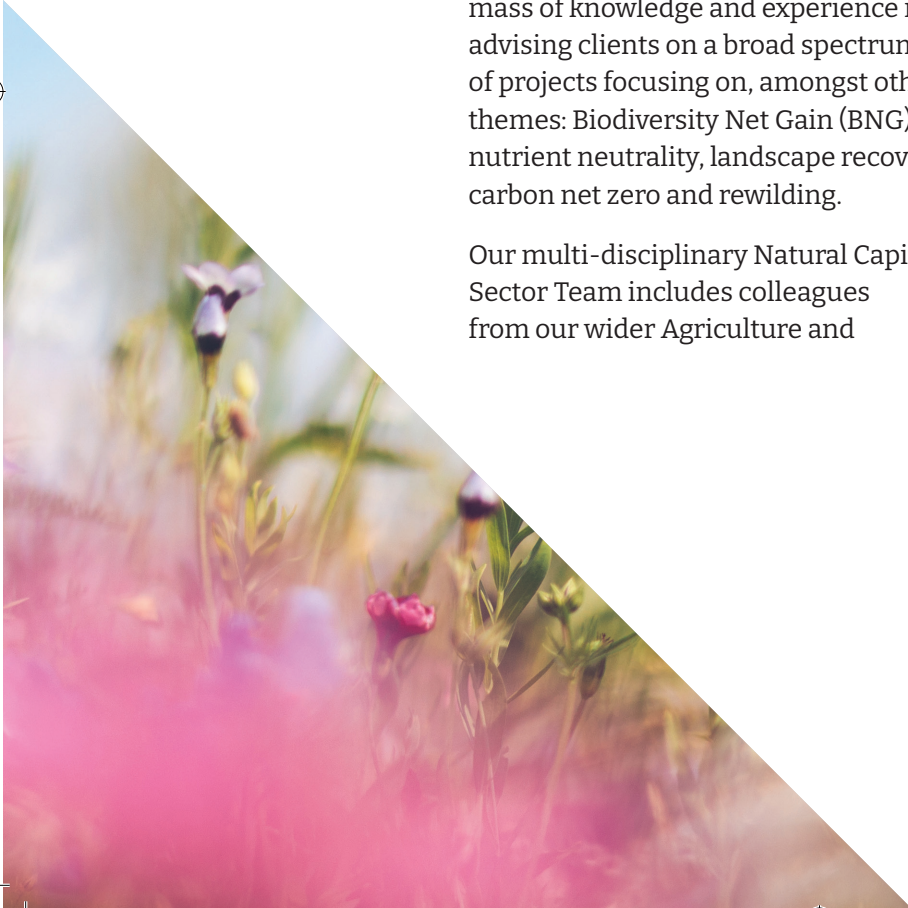
We draw on expertise from colleagues with a wide range of specialisms to guide clients through the opportunities that exist in the area of Natural Capital, whether their aims are to provide environmental, social or commercial benefits. We have developed a critical mass of knowledge and experience in advising clients on a broad spectrum of projects focusing on, amongst other themes: Biodiversity Net Gain (BNG), nutrient neutrality, landscape recovery, carbon net zero and rewilding.

Our multi-disciplinary Natural Capital Sector Team includes colleagues from our wider Agriculture and

Estates, Planning and Environmental, Commercial, Banking and Green Finance, Tax and Clean Energy Teams.

Working with developers, landowners (including collaborations and cluster groups) and the public sector, we have an in-depth knowledge of the legal structures and issues relating to the delivery of sustainable and nature-based projects.

We are a long-established law firm, providing a holistic, all-encompassing service for any project you are considering.





Our Natural Capital experience

We advise clients on a broad range of nature-based projects and transactions, helping to secure the best outcome by capitalising on market opportunities.

- **Environmental unit sale and purchase agreements** – assisting developers, landowners and brokers in preparing agreements for the commercialisation of environmental units.
- **Offset and mitigation agreements** – exploring all areas of Biodiversity Net Gain, environmental mitigation, nutrient neutrality and carbon capture.
- **Habitat bank providers** – setting up models and suites of documentation to assist both landowners and habitat bank providers in documenting arrangements.
- **Habitat management agreements and plans** – assisting landowners, developers and habitat bank providers in preparing agreements for the delivery of Natural Capital projects.
- **Brokerage agreements** – drafting and negotiating terms between Natural Capital brokers and landowners.
- **S.106 agreements and conservation covenants** – assisting in the process of preparing, entering into and securing s.106 agreements, conservation covenants and all other environmental planning considerations.
- **Nutrient neutrality catchments** – advising developers and local planning authorities on the planning requirements surrounding nutrient neutrality catchment areas, together with helping landowners and developers to set up offsetting projects.
- **Landscape recovery projects** – working to create legal entities, enter into blended finance arrangements for the delivery of recovery works and advise on practical and title issues to be considered during the design and implementation phases.
- **Carbon projects** – advising on terms of supply chain contracts to ensure net zero suppliers and sustainable practices, together with peatland restoration and tree planting schemes.
- **Green finance** – advising on sustainability-linked loans including sleeper facilities and advising on letters of credit in respect of habitat management agreements.



Agriculture and Estates

Birketts' award-winning Agriculture and Estates Team has over 50 team members across six offices and is one of the best-qualified and largest agriculture teams in the UK market.

Our team brings together lawyers with a wide range of professional and life experience, including solicitors from farming backgrounds, those with experience in commercial development, residential transactions, equine trading, mines and minerals and agricultural tenancy disputes.

The team's breadth of experience enables us to understand your business and the challenges and opportunities faced day-to-day. We work collaboratively and inclusively with other departments in the firm and other third-party professionals to provide a complete service.

Our expertise:

- Agricultural tenancies and sporting rights
- Banking and re-financing
- Business structures and joint venture/ collaborative agreements
- Carbon sequestration schemes
- Cluster Groups
- Diversification issues
- Farm and land acquisitions and disposals (including options, overage etc.)
- Habitat bank and brokerage projects
- Landowner collaboration vehicles
- Landscape recovery projects
- Minerals and aggregates
- Partnership agreements
- Renewable energy schemes
- Rewilding initiatives



Planning and Environment

Birketts' Planning and Environment Team has specialist experience drawn from the public and private sector, providing high-quality, practical advice and representation on all aspects of planning and environmental law.

Our team is regularly instructed by developers, landowners and local planning authorities. We provide practical, solution-focussed, strategic and ad-hoc advice on all aspects of the planning process.

Our expertise:

- Advising on the planning application process and preapplication consultation
- Biodiversity Net Gain
- Conservation covenants
- Environmental compensation and mitigation
- Environmental impact assessment and strategic environmental assessment
- Environmental permitting
- Habitats legislation including advising in relation to nutrient neutrality and water neutrality
- Negotiating and completing planning obligations via s.106 agreements and unilateral undertakings
- Renewable energy planning
- Strategic land, development plan promotion and major infrastructure planning
- Tree and hedgerow protection under both planning and forestry legislation
- Waste and minerals





Commercial

Birketts' Commercial Team provides advice to clients on commercial contracts and arrangements across multiple business sectors including agribusiness, Natural Capital and clean tech, amongst many others.

Our team is regularly engaged in the development, negotiation and operation of Natural Capital arrangements, which are becoming increasingly more sophisticated and complex as the market develops in this area.

We adapt our client service to meet project needs in the correct commercial setting, including structuring the appropriate apportionment of risk and liability, both at the onset of a commercial relationship and throughout long-term projects.

Our expertise:

- Advising on and setting up a variety of commercial arrangements
- Confidentiality advice
- Environmental consultancy agreements
- Environmental mitigation agreements
- Habitat management agreements
- Natural Capital brokerage agreements
- Natural Capital introduction agreements
- Nature credit sales agreements
- Negotiating and reporting on terms and conditions for the supply of goods and services
- Power purchase agreements
- Pyrolysis agreements



Banking and Green Finance

Our Banking and Green Finance Team has a comprehensive understanding of the issues faced by our clients in today's challenging financial environment, including the push towards a greener economy and the pressures this puts on both borrowers and lenders to demonstrate tangible, measurable green credentials.

We regularly advise on banking and finance transactions in a wide range of sectors, including real estate development and investment, agricultural borrowing (including diversification projects) and asset-backed finance. We understand the concerns of stakeholders and the direction of travel when it comes to de-carbonisation and green investment.

Our expertise:

- Acquisition finance, including debt and equity funding of acquisitions
- Agricultural and real estate finance including habitat management arrangements
- Asset finance/asset-backed lending
- Development finance
- Funding in relation to franchise arrangements
- General banking and security matters
- Green loans
- Invoice financing
- Leverage finance
- Letters of credit and habitat bonds
- Refinancings
- Sustainability linked loans





Clean Energy

Our Clean Energy Team regularly assists clients across a broad range of energy projects, ranging from renewables to more conventional energy supply chain issues.

Our experienced team of lawyers regularly assist clients across a broad range of clean energy projects on behalf of developers, landowners and businesses involved in the supply chain.

Our combined specialist knowledge of real estate, agricultural, planning, construction, commercial and environmental law issues means that clients receive legal advice from experts in their field.

Our expertise:

- Anaerobic digestion
- Battery energy storage systems (BESS)
- Landowner and developer consortium/collaboration agreements
- Complex option and pre-emption agreements
- EV charging
- Hybrid BESS/solar projects
- Leases with single or multiple stakeholders
- Outsourcing and supply agreements
- Power purchase agreement
- Solar projects
- Utilities contracts
- Waste powered combined heat and power plants
- Wind power projects





Tax

We have a team of tax specialists who advise individuals and businesses on tax issues affecting agricultural and environmental land projects and/or arising from the ownership of such businesses.

Our team of tax lawyers and tax advisors provide tailored strategic advice to ensure that potential tax issues arising from environmental land projects are minimised to the biggest possible extent and that clients are fully informed in advance of any potential tax liabilities that may arise.

Our expertise:

- Advice on any SDLT issues which may arise from entering into land transactions such as leases
- Advice on Inheritance Tax issues which may arise such as availability of Business Property Relief and Agricultural Property Relief
- Advice on tax-efficient business structuring of environmental land projects
- Capital Gains Tax advice on the disposal or sale of any land interests
- Income Tax or Corporation Tax advice in relation to receipts generated from any environmental land projects
- Review of existing business structuring in light of any new projects
- Succession planning
- VAT advice





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Key Contacts

Agriculture and Estates



Sophia Key
Partner
T +44 1603 756497
M +44 7816 065814
sophia-key@birketts.co.uk



Daisy Darrell
Senior Associate
T +44 1245 211321
M +44 7971 059037
daisy-darrell@birketts.co.uk



Ruth Lambillion
Senior Associate
T +44 1223 326591
M +44 7879 337161
ruth-lambillion@birketts.co.uk



Elle Dales
Associate
T +44 1223 326684
M +44 7815 017360
elle-dales@birketts.co.uk

Commercial



Paul Palik
Partner
T +44 1603 756496
M +44 7779 451444
paul-palik@birketts.co.uk



Georgina Perrott
Senior Associate
T +44 1223 326635
M +44 7972 639047
georgina-perrott@birketts.co.uk

Banking and Green Finance



Lottie Fletcher
Senior Associate
T +44 1603 756545
M +44 7891 883258
lottie-fletcher@birketts.co.uk



Maisie Lee
Solicitor
T +44 1603 756538
M +44 7989 691562
maisie-lee@birketts.co.uk

Planning and Environment



Deborah Sharples
Partner
T +44 1473 921732
M +44 7711 135410
deborah-sharples@birketts.co.uk



Edward Long
Senior Associate
T +44 1223 326633
M +44 7980 927100
edward-long@birketts.co.uk



Camilla Rhodes
Public Access Specialist
T +44 1473 350943
M +44 7801 576537
camilla-rhodes@birketts.co.uk

Tax



Gavin Birchall
Partner
T +44 1473 921791
M +44 7469 858382
gavin-birchall@birketts.co.uk



Emily O'Donnell
Senior Associate
T +44 1603 542738
M +44 7814 107140
emily-o'donnell@birketts.co.uk

Clean Energy



Jeremy Stanton
Partner
T +44 1223 326654
M +44 7866 781229
jeremy-stanton@birketts.co.uk



Stuart Cleak
Partner
T +44 2035 534875
M +44 7773 940988
stuart-cleak@birketts.co.uk



Gemma Goddard
Partner
T +44 1223 326582
M +44 7961 724045
gemma-goddard@birketts.co.uk

+44 808 169 4320

[birketts.co.uk](https://www.birketts.co.uk)

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A list of members may be inspected at any of our offices. The term 'Partner' is used to refer to a member of Birketts LLP.

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